

---

## 2018 DISABILITY PRIORITY AGENDA PUBLIC POLICY PRIORITIES

---

Over the past few decades, people with disabilities have made gains in access to housing, employment, public transportation and the ability to vote privately and independently. Yet, the legacy of past discrimination still marks our communities. People with disabilities in New York are still struggling with a high rate of poverty; low-employment and wages; low median household income; high homelessness; extremely high rent burdens and lack of home ownership; and lack of accessible transportation. NYAIL's 2018 legislative priorities address these disparities. Now more than ever, with dramatic policy changes being advanced at the Federal level, it is imperative that New York enact laws to protect the civil rights and programs that allow people with disabilities to live independent, integrated lives in their communities.

### ***Housing***

- ❖ Make discrimination by landlords based on a tenant's source of income illegal under State Human Rights Law. A.5431 (Weprin) and S.1898 (Comrie) or S.7003 (Krueger).
- ❖ Incorporate inclusive home design (visitability) in new residential housing that receives financial assistance for construction from federal, state, county or local governments. A.1023 (Simon) and S.3315 (Krueger).

### ***Employment***

- ❖ Establish a small business tax credit for employing people with disabilities. A.1369 (Cusick) and S.3688 (Addabbo).
- ❖ Add disability-owned businesses to the Minority and Women Business Enterprise (MWBE) program. S.3785 (Marcellino).

### ***Civil Rights***

- ❖ Waive the State's sovereign immunity to claims under the ADA and Section 504. A.2546 (Lifton) and S.1522 (Avella).
- ❖ Change local, village, county, and City of New York elections to coincide with the dates of state and federal elections. S.382 (Carlucci).

### ***Government Operations***

- ❖ Create an Office of Community Living. A.5597 (Weprin).

### ***Transportation***

- ❖ Require transportation service providers, such as taxis and limousines, to have accessible vehicles. A.5537 (Weprin).
- ❖ Cap fares for paratransit at levels no higher than the base fares for transportation of non-disabled adults using the public transit system. A.3980 (Sepulveda) and S.2382 (Alcantara).

## **HOUSING**

**There is a housing crisis in New York State for people with disabilities due to the lack of affordable and accessible housing.** People with disabilities who are on fixed incomes, or who have low wage jobs are unable to afford to rent without a subsidy. In fact, more than a third of people with disabilities are severely rent burdened, spending more than 50 percent of their income on housing. A modest one bedroom costs an average of 133 percent of a person's SSI in New York State. Avoiding institutionalization or homelessness depends on having a housing rental subsidy. Yet, landlords turn down prospective tenants who have rental subsidies. This results in a situation where even with a subsidy, people with disabilities are often unable to find housing. And, our State lacks accessible housing: most existing housing stock was not built to meet the needs of people with disabilities, including disabilities acquired as one ages. The below policy recommendations address the housing crisis by making housing more accessible and affordable.

- ❖ **Make discrimination by landlords based on a tenant's source of income illegal under State Human Rights Law.** A.5431 (Weprin) and S.1898 (Comrie) or S.7003 (Krueger).
- ❖ **Incorporate inclusive home design/visitability features in new residential housing that receives financial assistance for construction from federal, state, county or local governments.** A.1023 (Simon) and S.3315 (Krueger).

## **EMPLOYMENT**

**Currently, working-age New Yorkers with disabilities have a 32 percent employment rate, resulting in a gap between people with and without disabilities of 41 percent.** The poverty rate for New Yorkers with disabilities is 17 percent higher than for nondisabled New Yorkers. Such high levels of unemployment and poverty impacts all areas of life, including our overall health, as recognized by the creation of the Medicaid Redesign Team's Social Determinants of Health workgroup.

Governor Cuomo made New York an Employment First State when he issued Executive Order # 136, which makes competitive, integrated employment with appropriate supports and services the first option. He recognized the dire need to address unemployment and poverty levels among people with disabilities. The overall goal of the State's Employment First policy is to decrease poverty among New Yorkers with disabilities by five percent and to increase employment of people with disabilities by a commensurate five percent.

NYAIL fully supports the recommendations included in the Employment First Commission's report; however, the State has made little progress in implementing the vast majority of the recommendations in that report. Several of the recommendations had existing legislation in place at the time of the report's issuance, and thus could have been advanced immediately. While we support all of the recommendations in the Employment First Commission's report, we believe the priorities below will achieve some of the most substantial results.

- ❖ **Establish a small business tax credit for employing people with disabilities.** A.1369 (Cusick) and S.3688 (Addabbo).
- ❖ **Add disability-owned businesses to the Minority and Women Business Enterprise (MWBE) program.** S.3785 (Marcellino).

## **CIVIL RIGHTS**

**State workers who have been discriminated against cannot sue their employer in Federal court for money damages, including lost wages.** Businesses, schools, cities, counties, towns and villages and private employers cannot violate the ADA without the prospect of being held responsible in a court of law. State government must be held to the same standard. This bill would restore the same protections to state workers that they had from the passage of the ADA in 1990 until the *Garrett* decision in 2001---the same protections that ALL other workers still have.

- ❖ **Waive the State's sovereign immunity to claims under the ADA and Section 504.** A.2546 (Lifton) and S.1522 (Avella).

**People with disabilities are still fighting for our right to a private, independent vote.** Progress was made through the Help America Vote Act (HAVA), which mandated all polling sites have accessible, universally designed voting machines for all state and federal elections. However, local elections are not held to the same standard. While local elections are no longer allowed to use lever machines many are being administered using paper ballots only, which are inaccessible to many people with disabilities. Moving these elections so they coincide with state and federal elections and are administered by the County Board of Elections will ensure they will be held in an accessible manner.

- ❖ **Change local, village, county, and City of New York elections to coincide with the dates of state and federal elections.** S.382 (Carlucci).

## **GOVERNMENT OPERATIONS**

The creation of an Office of Community Living would provide a focal point within State government to address the community integration needs of people with disabilities. Currently, people with physical disabilities have no State agency representing their needs and interests. An Office of Community Living would serve as the State advocate on behalf of people with disabilities and would house some misplaced programs that serve people with disabilities, including Independent Living Centers, Access to Home, the Technology-Related Assistance for Individuals with Disabilities program, and the Most Integrated Setting Coordinating Council.

- ❖ **Creation of an Office of Community Living.** A.5597 (Weprin).

## **TRANSPORTATION**

**The limited availability of accessible transportation services is a major barrier faced by people with disabilities, often leading to unemployment, inability to access medical care, lack of access to voting sites, and isolation from friends, family, and full community participation.** Providing accessible transportation is essential to the State's community integration obligations under *Olmstead*. New York City made some gains in getting a percentage of their taxis wheelchair accessible, however, much of this progress has been undermined by transportation network companies such as Uber, who are putting the accessible taxis out of business and who do not offer accessible vehicles of their own.

Outside New York City, there is virtually no wheelchair accessible taxi service. In some communities, paratransit is the only option; in others, there is nothing. It is imperative that all for-hire transportation services – including new transportation network companies – ensure a percentage of their fleet is accessible.

Further, many paratransit systems across the state charge far more for their service than fixed route buses, making the only accessible transportation option unaffordable. In Westchester County, for example, a paratransit round trip is \$10. The following policies would increase affordable, accessible transportation options throughout the state.

- ❖ **Require transportation service providers, such as taxis and limousines, to have accessible vehicles.** A.5537 (Weprin). NYAIL also supports full wheelchair-accessibility for transportation network companies such as Uber and Lyft.
- ❖ **Cap fares for paratransit at levels no higher than the base fares for transportation of non-disabled adults using the public transit system.** A.3980 (Sepulveda) and S.2382 (Alcantara).

*The New York Association on Independent Living (NYAIL) is dedicated to removing barriers to the full community integration of people with disabilities of all ages. NYAIL represents Independent Living Centers and the people with disabilities they serve. Independent Living Centers (ILCs) are led by people with disabilities and help individuals develop a roadmap to meeting their goals through including peer counseling, independent living skills support, advocacy, and help with negotiating complex systems to obtain health coverage and care including long term care, housing, education, employment, transportation, and other supports. Centers provide technical assistance and engage in advocacy aimed at removing barriers that prevent people with disabilities from living independent, fully-integrated lives in their communities.*

**For further information, please contact:**

Meghan Parker, Director of Advocacy

Phone: (518) 465-4650

Email: [mparker@ilny.org](mailto:mparker@ilny.org)